



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: April 11, 2012

APPLICATION: Conditional Use Permit Amendment No. UA11-0012, Good Shepherd Community Church

**APPLICATION
SUMMARY:**

A request for modifications to an existing 5,280 square foot religious facility to allow for re-programming of the sanctuary and to permit shared parking facilities.

LOCATION: 467 Sinclair Frontage Road (APN 86-44-001, 003, and 004)
APPLICANT: Pastor Fernando Virgil, 467 Sinclair Frontage Road, Milpitas, CA 95035
OWNER: Same as above

RECOMMENDATION: Staff recommends that the Planning Commission:
Adopt Resolution No. 12-019 approving the project subject to conditions of approval.

PROJECT DATA:

General Plan/
Zoning Designation: Manufacturing and Warehousing (MW)/Heavy Industrial (M2)
Overlay District: Site and Architectural (-S)
Specific Plan: N/A

Site Area: 2.21 Acre
Total Building Area: 17,820 square
Total Number of Parking Spaces: 83
Project's Building Square Footage: 5,280 square feet
Number of Allocated Parking Spaces: 12
Total Number of Shared Parking Spaces: 22

CEQA Determination: Categorical Exempt Pursuant to Class 1, Section 15301 (Existing Facilities) of the California Environmental Quality Act.

PLANNER: Cindy Hom

PJ: 2789

ATTACHMENTS:

- A. Resolution/Conditions
- B. Project Plans
- C. Project Description
- D. Usage Matrix

LOCATION MAP



No scale

BACKGROUND

On June 14, 1995, the Planning Commission approved conditional use permit (UP1264-A) that allowed for the operations of church and shared parking facilities within the Sinclair Industrial Park, which is an industrial condominium complex consisting of 27 condominium units and one common area lot. With the recent Zoning Code Amendments, assembly uses not related to businesses are prohibited in the industrial zones. As such, the church facility became a legal, nonconforming use.

On December 14, 2011, Pastor Fernando Virgil of the Good Shepherd Community Church submitted a conditional use permit amendment application for interior modifications to the existing floor to allow for the re-programming of the space and to permit shared parking facilities. The application is submitted pursuant Milpitas Municipal Code XI-10-53.07 (Joint Parking) and XI-10-57.04 (Conditional Use Permits) which requires Planning Commission approval for modifications to nonconforming uses and shared parking facilities.

PROJECT DESCRIPTION

The existing church is located in four industrial condominium units totaling 5,280 square feet. The project site is located on a 2.21 acre site that is currently zoned Heavy Industrial and is developed with two one-story industrial building that provides a total of 27 condominium units and approximately of 35,960 square feet of floor area as well as 83 on-site parking spaces. The site is bounded by Sinclair Frontage Road to the east, industrial buildings to the north, west, and south. Surrounding uses include a mix of office, light industrial and manufacturing uses the north, west, and south. Interstate 680 and multi-family residential land uses are located to the east of the project site. A vicinity map of the subject site location is included on the previous page.

The project proposes interior modifications to allow for the re-programming of the existing floor plan. The applicant proposes to remove approximately 2,160 of ancillary space (classrooms and hallway space) to remodel the 1,604 square foot sanctuary space to include a new alter platform, storage spaces, and a new technology control area. The proposed facility currently operates seven days a week between various hours. The proposed schedule of activities includes office administration hours between 9:00AM to 2:00PM Monday through Friday. The sanctuary and 869 square foot classroom space is used on Thursday and Friday evenings between the hours of 7:00PM - 9:00PM for adult and youth bible studies and small group meetings. Worship services and Christian studies would occur on Sundays between the hours of 9:00AM to 1:00PM. The applicant also requests to permit shared parking with other condominium owners within the business park, which will be further discussed in the parking section.

Floor Plan

The proposed floor plan layout includes a 1,604 square sanctuary hall, a 896 square foot classroom for adult and youth programs, and approximately 894 square feet of office space. The remaining spaces are ancillary and include spaces for restrooms, hallways, and utility areas.

The applicant proposes fixed seating in the sanctuary hall, which enables the religious facility to comply with the parking requirement. The permanent seat fixtures would limit the ability of the sanctuary hall to a certain occupancy threshold. Staff is supportive of the fixed seating concept and recommends as a condition of approval that the applicant shall maintain 100 fixed seats in the sanctuary

hall. Details of seating fixtures shall be provided to Planning Division prior to any building permit issuance.

Parking

Based on the proposed floor plan and schedule of activities, the peak parking demand for the church facility is 34 parking spaces as demonstrated in Table 1 below.

Table 1
Peak Parking Demand (Thursdays, Fridays and Sundays)

Uses	Proposed Square foot and/or # of Seats	Parking Ratio	Parking Required
Sanctuary - Fixed Seats	100 seats	1 space per 5 seats	20
Classroom	869 s. f.	1 space per 500 s.f.	2
Total parking required			22

Currently the church is allocated 12 parking spaces. A total of 10 additional parking spaces are required. As such, the applicant proposes shared parking with other tenants within the complex. According to the Milpitas Municipal Code XI-10-53.07, shared parking may be allowed with Planning Commission approval of a conditional use permit provided the following:

- **Shared parking facilities are not more 300-feet way** - Joint parking can be achieved for this project because the shared parking spaces are located on-site, within the same business complex and are within 300 feet of the facility.
- **Uses and operating hours do not conflict** - The proposed religious and charitable facility will not conflict with other businesses that consist of professional offices and small industrial businesses. As demonstrated, the parking demand for the religious facility occurs on Thursdays and Fridays evening between 7PM-9PM and on Sundays between 9AM-1PM.
- **The Shared Parking Agreement is approved as to form and manner of execution by the City Attorney and recorded with the County Recorder** - Staff recommends as condition of approval, the applicant shall submit to the Planning Division a joint parking agreement to the satisfaction of the City Attorney maintaining 10 shared parking spaces. The agreement shall be executed by both the applicant and other property owner(s) and recorded with the County Clerk.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 2
General Plan Consistency

Policy	Consistency Finding
Guiding Principle 2.d-G-2, <i>Development of adequate civic,</i>	Consistent. The Good Shepherd Community Church offers a place of worship and community services for

Policy	Consistency Finding
<i>recreational and cultural centers in locations for the best service to the community and in ways, which will protect and promote community beauty and growth.</i>	both the local community and the region given its location and proximity to residential land uses and Interstate 680.

Zoning Ordinance

The project complies with the Milpitas Zoning Ordinance in that the proposed modifications to a legal nonconforming use are permitted with the approval of a conditional use permit. The project would consist of the re-programming of existing space. The project would not add square footage to the legal nonconformity or expand or extend the limits of the church. The project does not propose any exterior modifications and maintains compliance with the Heavy Industrial development standards.

The project complies with the Milpitas Parking Ordinance with the approval of the provisions for shared parking. As conditioned, the project would need to secure shared parking for the 10 parking spaces in perpetuity.

The project will not be detrimental or injurious to property, public health, safety and general welfare in that the church use is compatible with adjacent land uses consist of a mix of light industrial, office and residential uses. Based schedule of activities, the peak parking demand occurs on Thursday evenings and weekends and will not conflict with the surrounding businesses that typically operate between the 8:00 AM to 6:00 PM. The applicant also proposes joint parking to satisfy parking requirements.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is categorically exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act in that the project is a negligible expansion beyond the existing use. The project entails floor plan modifications to allow for re-programming of space for an existing church facility.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there were two comments received regarding the project. One comment was a request for information and the other related to circulation and safety.

CONCLUSION

The project is consistent with the General Plan in that it encourages the development of adequate civic, recreational and cultural centers in locations for the best service to the community given its location to serve both the local and regional community. The project conforms to the Milpitas zoning ordinance in terms of setback and development standards. The applicant is proposing shared parking with neighboring tenants and complies with the Milpitas parking regulations. As conditioned, the project will not have a negative impact on public health, safety, and general welfare.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 12-019 approving Conditional Use Permit Amendment No. UA11-0012, Good Shepherd Community Church subject to the attached Conditions of Approval.

Attachments:

- A. Resolution/Conditions of Approval
- B. Project Plans
- C. Project Description Letter
- D. Usage Matrix